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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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LARRY DYNEL,

Plaintiff,

*versus*

GARY JOSEPH MECHIAL SMITH,

Defendant.

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CIVIL ACTION NO. 1:08-CV-349

**MEMORANDUM ORDER ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Larry Dynel, an inmate confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled civil rights lawsuit.

The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends this lawsuit be dismissed without prejudice for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge's Report and Recommendation.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this lawsuit.

SIGNED at Beaumont, Texas, this 6th day of October, 2008.

A handwritten signature in cursive script that reads "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE